

**Introduced by Senator Bowen**

January 6, 2003

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An act to amend Section 10515 of the Public Contract Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 41, as amended, Bowen. Public contracts: conflict of interest.

Existing law prohibits persons, firms, or their subsidiaries who are awarded state contracts for consulting services from submitting a bid or being awarded a contract on or after January 1, 2003, for any action related to the end product of the consulting services contract.

This bill would change that date to July 1, 2003. *This bill would also specify that those provisions do not apply to consulting services contracts, as provided.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 10515 of the Public Contract Code is
- 2 amended to read:
- 3 10515. (a) No person, firm, or subsidiary thereof who has
- 4 been awarded a consulting services contract may submit a bid for,
- 5 nor be awarded a contract on or after July 1, 2003, for the provision

1 of services, procurement of goods or supplies, or any other related  
2 action that is required, suggested, or otherwise deemed  
3 appropriate in the end product of the consulting services contract.

4 (b) Subdivision (a) does not apply to ~~any~~ *either of the*  
5 *following*:

6 (1) Any person, firm, or subsidiary thereof who is awarded a  
7 subcontract of a consulting services contract that amounts to no  
8 more than 10 percent of the total monetary value of the consulting  
9 services contract.

10 (2) *Consulting services contracts that comply with Chapter 10*  
11 *(commencing with Section 4525) of Division 5 of Title 1 of the*  
12 *Government Code.*

13 SEC. 2. This act is an urgency statute necessary for the  
14 immediate preservation of the public peace, health, or safety  
15 within the meaning of Article IV of the Constitution and shall go  
16 into immediate effect. The facts constituting the necessity are:

17 In order to conform the threshold date specified in Section  
18 10515 of the Public Contract Code to the operative date of that  
19 section, and thereby avoid any potential problems resulting from  
20 the unintended retroactive application of the statute, it is necessary  
21 that this act take effect immediately as an urgency statute.

